

4. Adam Kleinberg and James Randazzo, counsel for the defendants, assent to this

3. The proposed amended complaint, attached as Exhibit 1 to this motion, substitutes

2. On June 27, 2008, the Surrogates Court, Putnam County, appointed Richard

1. The original plaintiff in this action was Karen Meltz. Unfortunately, Ms. Meltz

Meltz, requests that this court grant him permission to file an amended complaint in the above-

NOW COMES the plaintiff, Richard Meltz, as Administrator of the estate of Karen

ASSENTED-TO MOTION TO AMEND COMPLAINT

X-----
)
)
) Defendants.
)
)
) THOMAS LEE AND JOHN DOE,
) MICHAEL SZABO, DEPUTY SHERIFF
) PUTNAM COUNTY SHERIFF, SERGEANT
) PUTNAM COUNTY, DONALD B. SMITH,
)
)
)
) -against-
)
) Plaintiff,
)
) OF THE ESTATE OF KAREN MELTZ,
) RICHARD P. MELTZ, AS ADMINISTRATOR,
 X-----

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WHEREFORE, for the reasons stated herein the plaintiff requests that this Court accept for filing the attached amended complaint.

Respectfully submitted,

Richard Meltz,

By His Attorneys,
Nixon, Raiche, Vogelmann, Barry & Slawsky, P.A.

Dated: August 18, 2008

/s/ Lawrence A. Vogelmann
LAWRENCE A. VOGELMAN (8722)
77 Central Avenue
Manchester, NH 03101
(603) 669-7070

CERTIFICATE OF SERVICE

I hereby certify that a copy of the within Assented-To Motion To File Amended Complaint has been served on Adam Kleinberg and James Randazzo via Electronic Case Filing on this 18th day of August, 2008.

/s/ Lawrence A. Vogelmann
Lawrence A. Vogelmann (8722)

So Ordered.
Cathy Seis u.s.d.
8/27/08